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REMARKS

Reconsideration of the application is respectfully requested. This response is made pursuant to 37 C.F.R. 1.116. No new matter has been entered.

Status of Claims

Claims 1-10 and 12-21 are pending in this application.

Claims 1-10 and 12-21 stand rejected.

Claim 11 has been cancelled.

Claims**Rejection under 35 U.S.C. 102(e) as being anticipated by
Sakaguchi (US 6,310,627)**

Regarding the section titled "Claim Rejection - 35 USC 102" of the Office Action, the Examiner rejects Claims 1, 3, 7, 9, 10, 12, 13, 16, 17 and 19 as being anticipated by Sakaguchi (US 6,310,627).

Applicant's Invention

Applicant's invention is a system for providing mass-personalized and customized merchandize and purchase services on-line, through intelligent recommendations, guided selection and purchase processes, configuration, coordination, fitting, composed and animated presentation, demonstration, etc., based on individual customer input and artificial intelligence rules-databases and comparison algorithms.

Interactive, intelligent process and rule-driven enquiry-database, intelligent product databases, artificial intelligence rules, data comparison algorithm, graphics and

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video design, composition, animation software, graphics and video input and output hardware and software, and/or video streaming are used to (1) guide consumers through needs and tastes definition process, (2) make recommendations, (3) narrow selections, (4) determine the fit, (5) configure and optimize various options of subsystems into a complete system, (6) layout, compose and/or animate, and (7) display the fitted system of multiple items with the recommended and/or selected settings.

Claim 1 reads as follows:

*1. A system for purchasing goods and services online, comprising:
means for prompting a user to specify preferences regarding at least one type of merchandise or service of interest to a user by having the user answer a plurality of questions, the means then retrieving data responsive to the indicated preferences from at least one database and displaying said data on a display device wherein the system uses predetermined intelligence rules together with said preferences input by the user to search merchandise databases and select and recommend merchandise and accessories to the user. (Emphasis added)*

Sakaguchi **does not** teach the above emphasized claim language. Applicant observes that neither the word "recommend" nor any derivation is found in the specification of Sakaguchi. Sakaguchi described a plurality of embodiments related to the creation of a virtual image of a user or model to try on a garment or pattern.

EXAMINER'S REMARKS

On page 9, lines 7-14 of the Office Action, the Examiner states that:

"the system uses predetermined intelligence rules" – (col 15, line 52 – col 16 line 67) in this excerpt Sakaguchi teaches processing information inputted by the user with information in a database to provide a processed image based on the request. Microsoft Computer dictionary defines intelligent database as "A database that manipulates stored information in a way that people find logical, natural, and easy to use. An intelligent database conducts searches relying not only on traditional data-finding routines but also on predetermined rules governing associations, relationships, and even inferences regarding the data.

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Applicant agrees with the Examiner's statement that "*Sakaguchi teaches processing information inputted by the user with information in a database to provide a processed image based on the request.*" However, in contrast to Sakaguchi, Applicant uses predetermined intelligence rules together with said preferences to make recommendations of merchandise and accessories. Sakaguchi, on the other hand, simulates or creates a virtual image of the client to see how a garment or pattern looks on their body.

The Examiner also states, on page 9, line 15 through page 10, line 2, that:

"recommending merchandise and accessories to the user" -- (col 8, lines 1-67) discussion is made to the use of Sakaguchi to provide catalogues to users with their personal image used as the model. it is inherent in the teaching of Sakaguchi that merchandise and accessories is recommended because catalogs have historically been used to recommend merchandise and accessories and using Sakaguchi to present the user wearing the merchandise and accessories allows the user to see themselves as they would appear wearing the merchandise and accessories in the catalogue."

Applicant acknowledges that Sakaguchi discloses a private catalogue production system in combination with a virtual try-on system. In one embodiment of Sakaguchi, an electronic camera is used to capture the image of the user (column 17, line 62-65). A desired garment is selected on the screen of the display device 12 by the user (column 17, lines 65-67). The system creates an image of the user wearing the selected garment (column 18, lines 1-2).

In another embodiment of Sakaguchi, the virtual try-on system is installed in a clothing retailer. The client virtually tries on a garment by using the virtual try-on system upon purchasing the garment. (See column 18, lines 15-23).

In yet another embodiment of Sakaguchi, a private catalogue production system is

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described as being similar to the virtual try-on system wherein the system produces a catalogue by generating trying-on images in which a client is wearing a plurality of garments and collecting these try-on images.

Accordingly the catalogue production system and virtual try-on system requires the user to select the garment. Hence, the garment (merchandise or accessories) is not recommended based on "*predetermined intelligence rules together with said preferences*," as claimed.

In view of the foregoing remarks, Claim 1 is allowable over Sakaguchi and the corresponding rejection under 35 USC 102(e) should be withdrawn. Since Claims 2-10, 12-21 depend from independent Claim 1, then for the same reasons set forth above with regard to Claim 1, these dependent claims are also allowable over Sakaguchi and the corresponding rejections under 35 USC 102(e) and 103(a) should be withdrawn.

Applicant also observes that Claim 7 is rejected under 35 U.S.C. 102(e). However, Claim 7 is dependent on Claim 6 rejected under 35 U.S.C. 103(a). Nevertheless, Sakaguchi does not teach the limitations of Claim 7.

Regarding Claim 16, Sakaguchi does not teach that "*at any stage of interaction with the system, an array of recommendations can be presented on the display device, the array able to be narrowed or enhanced interactively as the system gains input from the user*," as claimed. (Emphasis added)

Regarding Claim 19, Sakaguchi does not teach that "*the user can specify additional desired matching items to be retrieved and displayed for viewing that may not be included in the array*," as claimed. While Sakaguchi discloses a private catalogue production system, the limitations in both 16 and 19 are not disclosed especially as they

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relate to the presentation of "an array of recommendations" and the selection of other matching items not included in such array.

**Rejection under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi
in view of Fano (6,317,718) in view of Hashimoto (5,729,699) and
further in view of Official Action**

Regarding the section titled "Claim Rejection – 35 USC 103" of the Office Action, the Examiner rejects Claims 2, 4-6, 8, 14, 15, 18 and 21 as being unpatentable over Sakaguchi (US 6,310,627) in view of Fano (6,317,718) in view of Hashimoto (5,729,699) and further in view of Official Action. Applicant traverses the Examiner rejection for at least the comments set forth above in relation to Claim 1.

Applicant further observes that Claims 2, 4-6, 8, 14, 15 and 18 are not rejected using Hashimoto.

Fano like Sakaguchi requires the user to select merchandise. Once the merchandise is selected by the user, the device of Fano retrieves information about the merchandise. Contrary to Fano, Sakaguchi or a combination thereof, Applicant's invention *"uses predetermined intelligence rules together with said preferences input by the user to search merchandise databases and select and recommend merchandise and accessories to the user."* Applicant further observes that the system of Fano is very different from Sakaguchi except for the selection of merchandise. Fano is not directed to a system of displaying a virtual image and catalogue creation system disclosed by Sakaguchi. Thus, there is absolutely no motivation to combine the teaching of Sakaguchi with the teachings of Fano.

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With regard to Claim 2 which reads as follows:

2. The system according to Claim 1, wherein the means are comprised of:

a questionnaire database that prompts the user to answer a plurality of questions to specify the user preferences with regard to the at least one type of merchandise;

a merchandise database having textual and graphical data regarding the at least one type of merchandise, the merchandise database using said artificial intelligence rules to match the merchandise with the accessories and having links to databases for other types of merchandise;

a search engine using comparison functions, said artificial intelligence rules and user input rules;

a layout and schematics program for preparing and displaying a floor plan depicting merchandise selected by the user, wherein the dimensions and other architectural features of the floor plan are provided by the user;

a models database having images of models;

an animation and morphing program for providing image and motion creation and morphing to models selected from the model database by the user, wherein the selected models wear merchandise selected by the user, the user able to alter the models and the models' features;

a temporary working database in which the user works while using the system; and

a personal folder database for storing the data from the temporary working database. (Emphasis added)

None of the prior art references teach the above emphasized claim language. Applicant observes the Examiner acknowledges that many of the claimed features are not present in Sakaguchi, Fano or the combination of Sakaguchi and Fano and instead, makes them obvious. Here, it appears that the Examiner is using Applicant's own disclosure to reject Applicant's claims with Applicant's disclosed features. Such practice is not supported by case law.

Likewise, the remaining claims are rejected by the Examiner based on Applicant's own disclosure and are not supported by the prior art references.


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CONCLUSION

In view of the foregoing remarks and amendments, the Applicant believes that they have overcome all of the examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action can not be taken, the Applicant requests that he contact their undersigned attorney at (908) 654-8000 in order to resolve any outstanding issues without the necessity of issuing another Office Action.

Respectfully submitted,


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Dated: March 3, 2004
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that on March 3, 2004, I caused the foregoing Amendment to U.S. Patent Application Serial No. 09/619,255 to be sent by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Jean-Marc Zimmerman